

Entered – 3-02-01 - sb  
CL – 01L0157 ALEXIS HOLMES

01- *R* -0760

CLAIM OF: **LINDA AARON AND LOUISE C. AARON**  
655 E. Morning Drive, NE  
Atlanta, Georgia 30324

For property damage alleged to have been sustained as a result of  
City of Atlanta workers replacing a sidewalk on September 26, 2000  
at 655 E. Morningside Drive, NE.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the  
action of the Department of Law be approved in authorizing payment  
to **LINDA AARON AND LOUISE C. AARON** the sum of  
**\$1,000.00** in full settlement and satisfaction of all claims, past,  
present and future, of every kind and character for property damage  
alleged to have been sustained as a result of City of Atlanta  
workers replacing a sidewalk on September 26, 2000 at 655 E.  
Morningside Drive, NE as is more particularly set forth in the within  
claim; said sum taken from and charged to account  
1A01/529017/T31001, Settlement of Suits and Claims, Department  
of Law.

APPROVED: **SUSAN PEASE LANGFORD**  
CITY ATTORNEY

BY:   
\_\_\_\_\_  
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0157

Date: 5/03/01

Claimant /Victim LINDA AARON AND LOUISE C. AARON

BY: (Atty) \_\_\_\_\_

Address: 655 E. Morningside Drive, NE Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ 1,130.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 2/26/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/26/00 Place: 655 E. Morningside Drive NE

Department Public Works Division: Street Operations

Employee involved Robert Ezzard Disciplinary Action: None Taken

**NATURE OF CLAIM:** The claimants sustained property damage when the City installed a handicap assessable sidewalk adjacent to their property but failed to restore claimants' lawn to its original state.

**INVESTIGATION:**

Statements: City employee X Claimant X Other \_\_\_\_\_ Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 05/07/01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

FORM 23-61

*Hand Delivered*

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

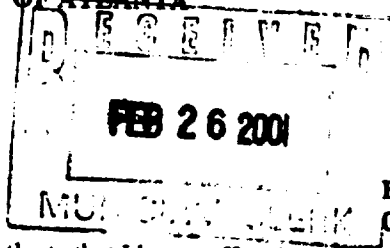
RE: CLAIM FOR DAMAGES

Today's Date: December 07, 2000

02-20-01 A11:42

*Holmes*  
*03/01/01*  
*Pr* property

Dear Municipal Clerk:



ENTERED - 3-2-01 - SB  
0110157 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \_\_\_\_\_ and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 9/26/01 (month/day/year) 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_ Yes No

4. Location of incident (including street address): \_\_\_\_\_

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: (See attached)  
Property damage to sod during  
sidewalk replacement -

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Linda Aaron & Louise C. Aaron  
(Print Claimant's Name)

655 E. Morningside Dr., NE  
(Address)

Atlanta, GA 30324  
(City, State and Zip Code)

404 872 5242  
(Work Number) (Home Number)

Signature of Claimant

Property Damages at 655 E. Morningside Drive, N. E., Atlanta, GA. 30324

During the latter part of September 2000, the City of Atlanta, Department of Public Works, under the supervision of Mr. Robert Ezzard, started work to replace the sidewalk in front of our house. Before the project began, I discussed at length our concerns about damage and replacement of our Centipede sod and any other damages that might occur from this work. He assured me that everything would be fine and that the damages would be taken care of and the sod would be replaced. Everything would be restored to the condition it was before replacement of the sidewalk. That didn't exactly happen. When the sidewalk was finished, we were told that the workers could only put out some seed--they didn't have any sod. This was totally different from what we had been told by Mr. Ezzard. I knew Centipede sod would not be available in the Fall--it was too late in the year to be set out.

We had a beautiful lawn before this project was started and our sod was destroyed. The heavy equipment used in the area did extensive damage to most of the sod, packed the dirt far below the sidewalk level, left deep tire tracks and holes. The City of Atlanta is responsible for reimbursing us the expenses of restoring our lawn back to the condition it was before the sidewalk replacement work was started.

Mr. Cecil Allen told me I would need to file a claim for property damages with the City of Atlanta, and that there wouldn't be any problem in our getting reimbursed to cover the expenses necessary to restore our property. His office has records of our conversations regarding the damages and also the work orders for the sidewalk.

I have enclosed an estimate of what needs to be done to restore our lawn. Also enclosed are some pictures taken before any work was done, and some pictures taken after the sidewalk was replaced. Some of the damages to the sod are visible in these pictures.

We would appreciate your immediate attention regarding this matter. We would like to get it resolved soon in order to set up a date with our contractor for replacement of the sod in early Spring.

Linda Aaron  
404. 872.5242